

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER OF FORFEITURE/ <u>MONEY JUDGMENT</u>
GLENCORE INTERNATIONAL A.G.,	:	
Defendant.	:	22 Cr. <u>297</u> ( <del>469</del> )
	:	
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WHEREAS, on or about May 24, 2022, GLENCORE INTERNATIONAL A.G. (the “Defendant”), was charged in a one-count information, 22 Cr. 297 (~~469~~) (the “Information”), with conspiracy to violate the anti-bribery provisions of the Foreign Corrupt Practices Act (“FCPA”), in violation of Title 18, United States Code, Section 371 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, on or about May 24, 2022, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States a sum of money equal to \$181,457,195 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$181,457,195 in United States currency, representing the proceeds traceable to the commission of the offense charged in Count One of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States Department of Justice, Criminal Division, Fraud Section and Money Laundering and Asset Recovery Section and the United States Attorney's Office for the Southern District of New York (collectively, the "Government") and the Defendant GLENCORE INTERNATIONAL A.G. and its counsel, Howard M. Shapiro, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$181,457,195 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. The Defendant shall make a payment in the amount of \$181,457,195 in United States currency (the "Payment") by wire transfer pursuant to instructions provided by the United States no later than ten business days after entry of this Consent Preliminary Order of Forfeiture/Money Judgment. Upon receipt of the Payment by the Government, the Money Judgment shall be fully satisfied.

3. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, GLENCORE INTERNATIONAL A.G., and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the Government is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

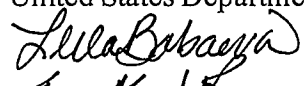

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


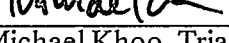
AGREED AND CONSENTED TO:

**FOR THE GOVERNMENT:**

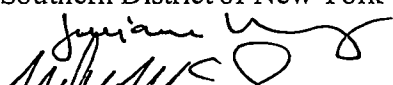

Date: 5/24/2022

JOSEPH S. BEEMSTERBOER  
Acting Chief, Fraud Section  
Criminal Division  
United States Department of Justice  
  
By:   
Leila Babaeva, Trial Attorney  
James Mandolfo, Trial Attorney

Date: 5/24/22

DEBORAH CONNOR  
Chief, Money Laundering and Asset  
Recovery Section  
Criminal Division  
United States Department of Justice  
  
By:   
Michael Khoo, Trial Attorney

Date: 5/24/22


DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
  
By:   
Michael C. McGinnis  
Juliana N. Murray  
Assistant United States Attorneys

**SO ORDERED**

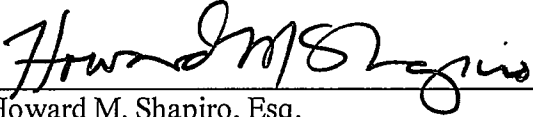
  
HON. LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2023  
New York, New York

GLENCORE INTERNATIONAL A.G.

By:   
Shaun Teichner, General Counsel,  
on behalf of GLENCORE INTERNATIONAL A.G.

5/24/22  
DATE

By:   
Howard M. Shapiro, Esq.  
Attorney for Defendant

5/24/22  
DATE